

October 8, 2003

Charles R. Fulbruge III
Clerk

In the
United States Court of Appeals
for the Fifth Circuit

m 03-40626
Summary Calendar

KENNETH J. SMITH,

Plaintiff-Appellant,

VERSUS

LATTIMORE MATERIALS,

Defendant-Appellee.

Appeals from the United States District Court
for the Eastern District of Texas
m 4:02-CV-27

Before SMITH, DEMOSS, and
STEWART, Circuit Judges.

PER CURIAM:*

Kenneth Smith, *pro se*, sued Lattimore
Materials for violation of the ADA. The mag-

istrate judge to whom the matter was referred
by consent granted summary judgment for
Lattimore. Smith appeals *pro se*.

There is no basis for recovery under the
ADA. The magistrate judge explained why in
a comprehensive and persuasive order dated
March 24, 2003, and entered on March 25,
2003.

The judgment is **AFFIRMED**, essentially
for the reasons given by the magistrate judge.

* Pursuant to 5TH CIR. R. 47.5, the court has de-
termined that this opinion should not be published
and is not precedent except under the limited cir-
cumstances set forth in 5TH CIR. R. 47.5.4.